

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION

ELIZABETH DIONICIO,

Plaintiff,

v.

Case No. 3:09-cv-00575

JUDGE HAYNES

BRAD ALLISON, Special Agent of  
the Tennessee Alcohol & Beverage  
Commission, DANIELLE ELKS,  
Director of the Tennessee Alcohol  
& Beverage Commission, and MARK  
HUTCHENS, Chief Enforcement  
Office of the Tennessee Alcohol &  
Beverage Commission, all in their  
individual and official capacities,

Defendants.

*DENIED*  
*This motion is DENIED.*  
*There was not a motion for judgment*  
*on the pleadings to justify this amended*  
*motion. The defense of qualified*  
*immunity is not asserted in the*  
*Defendants' answer. (D12 No 20).*  
*Qualified immunity can be raised by*  
*motion to dismiss or summary*  
*judgment on a trial. See Dominguez*  
*v. Felb, 831 F.2d 673, 677 (6th Cir 1987)*

DEFENDANT'S AMENDED MOTION  
FOR JUDGMENT ON THE PLEADINGS

*Will [Signature]*  
*11-10-10*

COME NOW the Defendant Brad Allison pursuant to Fed. R. Civ. Pro. 12(c),  
and through the undersigned Assistant Attorney General, and moves this Court for  
Judgment on the Pleadings on the ground that the Defendant is entitled to qualified  
immunity, shielding him from civil damages.<sup>1</sup> Defendant further moves this Court  
for Judgment on the Pleadings on claims for injunctive relief against Defendant

<sup>1</sup> This defense was originally raised in the Defendant's first Motion to Dismiss and Memorandum in Support, filed in this Court on June 13, 2009. (Doc. Entry Nos. 6 and 7). Although the Motion, which raised other issues as well, was ultimately denied in light of the Plaintiff's Amended Complaint, it is unclear from the record whether this Court specifically addressed the issue of qualified immunity. Therefore, the Defendant renews his argument to ensure that the issue is properly before the court.